IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9791 of 2004

Between:

G.Prasada Rao, S/o.Sambasiva Rao,
Code No.2002, Nizamabad, Cooperative Sugar Factory Ltd.,
Sarangapur,Nizamabad.

..... PETITIONER

AND

1 The Secretary to Government, Industries & Commerce,
Department, Secretariat, Hyderabad.
2 The Director of Sugars and Cane Commissioner, Government
of A.P.Hyderabad.
3 The Managing Director, Nizamabad Cooperative Sugar Factory
Ltd., Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the Superannuation Notice No.NCSF/PD/2002/2004 dt.12-5-2004 issued by the 3rd respondent herein to the petitioner as null and void, contrary to the terms of G.O.Ms.No.396, Industries and Commerce (Sugar.II) Dept.
dt.3-9-1990, Contrary to the circular Memo Rc.No.10169/90/C1 dt.3-9-1990 of the 2nd respondent herein, contrary tot he Memorandum of settlement entered into between the 3rd respondent herein and the workers Representatives, contrary to the recommendations of he 2nd and 3rd wage Boards, contrary to the judgments of this Hon'ble court on the matter in question arbitrary, unreasonable and issue a consequential direction to the respondents herein not to give effect to the same and further direct the respondents herein to continue the petition in service till he attains

the age of 60 years.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.3: MR.V.SRINIVAS

The Court made the following:

ORDER

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner who has been working with the 3rd respondent herein files this Writ Petition *inter alia* seeking to assail the notice of superannuation dated 12-5-2004 issued to him on completion of 58 years of service as illegal and also contrary to G.O.Ms.No.396, dated 3-9-1990 and circular dated 3-9-1990.

The main question in this Writ Petition is whether the petitioner is entitled to continue in service till 60 years as contended by him. The said question is no longer *res integra* . In a judgment of a Full bench of this Court reported in ***Etikoppakka Co-operative Agricultural and Industrial Society Limited v K.Sanyasi and others,*** it was held that Section 20 of the A.P. Co-operative Society Rules, 1964 governs the superannuation and also supercedes any decision and settlement etc., and therefore, in view of the said decision, the age of superannuation is only 58 years.

Hence, following the same, I do not find any merits in this Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

13-12-2004

Hsd

Asst. Registrar

To

1 The Secretary to Government, Industries & Commerce, Department, Secretariat, Hyderabad.
2 The Director of Sugars and Cane Commissioner, Government of A.P.Hyderabad.
3 The Managing Director, Nizamabad Cooperative Sugar Factory Ltd., Nizamabad.

4. 2 C. Cs to G.P. for Industries and Commerce, High Court of A.P. High Court Buildings, Hyderabad (OUT)

5. 2 C.D. copies.